

September 5, 2003

U.S. Department of Transportation Dockets
Docket No. FAA-2003-15085
400 Seventh St. SW., Room Plaza 401
Washington, DC 20590

SUBJECT: Proposed Rule: Hazardous Materials Training Requirements

To Whom It May Concern:

American Airlines, American Eagle Airlines and TWA Airlines, LLC (AMR Corporation) fully support effective Hazmat programs. Our corporation actively pursues efforts to ensure the safe transport of hazardous materials at AA/Eagle/TWA-LLC and on carriers that provide our COMAT transportation services. Each year our company goes through an extensive review of our training program, our forms and our procedures to ensure that we have the most current and effective processes possible. We strive for the safety of our employees, our customers and our property. However, our interpretation of the proposed rule noted above finds that there is little support to effectively enhance the safety of our dangerous goods system. Specifically, we believe that the rulemaking adds layers of unnecessary costs and could render current training and efforts at AA/Eagle less effective.

AMR Corporation has a longstanding record of identifying dangerous goods prior to their transport through the innovative use of signs, posters, and trained personnel to identify potential discrepancies. However, requiring classification and/or acceptance training to pilots, flight attendants and dispatchers would not add value to the process. Instead, it would create additional expense to the carrier without a return on the investment. Employees that accept packages and baggage are trained and have shown their effectiveness in finding undeclared dangerous goods. The employees that load our aircraft are also trained and have often found irregularities in the past. However, the need to train a flight attendant, dispatcher, or pilot to a higher cargo acceptance standard seems illogical.

A flight attendant will greet a customer and/or help a customer with luggage after the customer has interfaced with at least one AMR Agent trained in dangerous goods acceptance, and after passing through a TSA-controlled checkpoint where security screeners are tasked with looking for threatening objects. These TSA agents are confiscating and disposing thousands of dangerous goods items per month. Our flight attendants are trained in the safety of the passenger. They are trained to handle a situation in flight where a substance may be leaking or found to be inappropriate in the cabin. Training in documentation checks and acceptance guidelines would not increase the awareness or effectiveness of these employees in identifying hidden dangerous goods.

Unlike our line cargo crew chiefs, Dispatchers do not have a direct role in the loading of the aircraft. Additionally, unlike the Load Planner, a Dispatcher may not know dangerous goods are present on the aircraft, yet this rulemaking would require extensive training. Dispatchers at AMR do not supervise the loading, nor do they perform other load planning functions. Our dispatchers are trained to assist in an emergency by relieving the flight crew of as much responsibility as possible. A Dispatcher may be tasked with contacting Air Traffic Control, Airport Rescue and Fire Fighting, or the Federal Aviation Administration, however, dangerous goods acceptance training would not improve his or her ability to assist the flight crew.

Our flight crews receive specialized training on the actions to be taken in the event of a spill, smoke/fumes, or other event involving a dangerous good or any other potentially harmful substance. Flight crews are responsible for knowing the location and type of dangerous goods on board the aircraft through the notification to the pilot in command. However knowing how to classify substances and the paperwork necessary for the shipment would not aid them in an emergency situation. Adding training time to flight crew personnel would become an unnecessary expense while not providing safety benefit.

We feel that this rulemaking abandons the primary concept of training an employee to do his/her job and to do it well. Function specific training is a better way to accomplish this task. Function specific training for each employee allows the company to gain safety benefit, by keying in on the task the employee provides.

By requiring instructor-led courses, the FAA will not only add cost to the process, but will also end the creativity and interaction of training such as computer/internet based modules. Individual training success does not rely on instructor led courses. By using the Internet, CD-ROM, video and other forms of training, the carrier is given added flexibility to design a course for the specific audience. Instructor-led training does not ensure success or compliance. The FAA is also implying that a carrier must also name a Director of Training. Is the intent of this to make another FAA-mandated position in a carrier's organization?

We are also puzzled at the requirement to have signatures on file when airlines routinely use electronic record keeping. Maintaining paper copies of the exam/test also limits the audit function to stations. Where AMR has a computer process to track testing, an auditor from a non-station location can pull up the files for compliance and track from offsite.

The NPRM consistently discusses the need to discover undeclared hazardous materials. Seemingly the FAA intends to do this by placing the burden on the carrier and enforcing the "constructive knowledge" principles. Operator employees do have a duty to look for "triggers" and to investigate questionable items. However, the FAA must realize that every situation is very different and that by solely tasking the carrier, the program is likely to fail. The FAA and DOT must seek assistance from the shipper/passenger. The FAA is quick to point out that hidden dangerous goods cause many incidents. Simply mandating that the carrier look for hidden dangerous goods will not prevent these incidents. The training or education process must begin with the shipper/passenger.

The rule as we interpret it would also require a burdensome and costly process to train individuals at our repair stations. These employees may be working for several carriers on a "per piece" or "as needed" basis or they may be performing daily tasks. By requiring each carrier to train, maintain records, and maintain files, the FAA is once again placing the burden solely on the carrier. The vendor will pass along the cost of all the training to individual carriers and the complexity of the training may be lost on the larger portion of the work force. By establishing repair stations as "shippers" and regulating the shipping community, the FAA could go further in promoting safety in this area. Safety would be better served than blanketed training to all TRF employees and their supervisors.

When the FAA POI reviews a program for a carrier, we feel that the individual, CMO, and/or direction given by the Hazmat specialist in the region will result

in differences in training requirements. Carriers should not be constrained by a "cookie cutter" program. Although we are in the same industry, our business practices, policies, and customs may differ greatly. However, we do believe that working with our CMO can improve our product without a mandated set of hours, modules, responsibilities or layers of "supervisors" as stated in the NPRM. By allowing the carrier to interact with the CMO and establish a good rapport, both the carrier and the FAA benefit by increasing the margin of safety.

In short, American Airlines, American Eagle and TWA -LLC interpret the rulemaking as requiring training for a much larger portion of our workforce than under today's rules. Additionally, we believe that the FAA intends to require more extensive training for every Hazmat employee we have on staff today, regardless of their level of training. We are also concerned that this rulemaking will further burden the carrier with investigating and answering questions on issues like "reasonable knowledge".

At AMR alone, we project that the proposed rulemaking will cost up to \$90,000,000 for changes to Flight, Flight Service and M&E training programs for 2004. For the reasons stated above, as well as the undetermined economic impact, we ask that the FAA maintain the status quo for training and dangerous goods programs. Failing that, AMR proposes the FAA establish an Aviation Rulemaking Committee (ARC) to seek input from those in the airline industry who would be impacted by this regulation. A consensus among shippers, carriers, the United States Postal Service, foreign carriers, and the other modal authorities would provide the best opportunity for a positive safety benefit.

Respectfully,

Jeff O'Connor
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Airport Safety and Compliance - AA